

**IN UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS**

**SHERMAN DIVISION**

**DATE: 5/18/2022**

**DISTRICT JUDGE**  
**Amos L. Mazzant, III**

**COURT REPORTER: Chris Bickham**  
**COURTROOM DEPUTY: Keary Conrad**

Gibson Brands, Inc., a Delaware corporation	4:19CV358
v.	
Armadillo Distribution Enterprises, Inc., Concordia Investment Partners, LLC	
Does 1 through 10	

<b>ATTORNEYS FOR PLAINTIFF</b>	<b>ATTORNEYS FOR DEFENDANT</b>
Stephen Dale Howen, Andrea Bates, Kurt Schuettinger, Keith Slyter, Paralegal: Amanda Slyter	Vic Henry, Anna B. Naydonov, Douglas Rettew, Elyse McNamara, Patrick Rodgers and Emileigh Hubbard

On this day, came the parties by their attorneys and the following proceedings were held in Sherman, TX:

<b>TIME:</b>	<b>MINUTES: Jury Trial - Day 3</b>
8:15 a.m.	Court in session. Court notes appearances.
8:16 a.m.	Court hears argument from Defendant's counsel, Dave Rettew regarding headstock.
8:20 a.m.	Court hears response from Plaintiff's counsel, Stephen Howen regarding headstock.
8:23 a.m.	Court hears further argument from Defendant's counsel, Dave Rettew regarding headstock.
8:25 a.m.	Court hears further response from Plaintiff's counsel, Stephen Howen regarding headstock.
8:27 a.m.	Court finds that the Defendants opened the door. Davidson as a lay witness for the company wouldn't know the distinctions. He was asked open ended questions.
8:29 a.m.	Court hears from Kurt Schuettinger regarding Zelinsky's deposition excerpts.
8:31 a.m.	Court hears from Defendants counsel regarding Berryman video and defense be allowed to view it prior to it being shown to the jury.
8:32 a.m.	Court hears from Plaintiff's counsel, Andrea Bates regarding opinion and latches.
8:32 a.m.	Jury seated.
8:33:38 a.m.	Defendant's counsel, Anna Naydonov continues cross examination of witness, Jason Davidson.

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8:35:53 a.m.	Objection and bench conference at request of Plaintiffs.
8:41:19 a.m.	Bench conference concluded.
8:41:45 a.m.	Defendant's counsel, Anna Naydonov begins cross examination of witness, Jason Davidson.
8:55:43 a.m.	Defendant's counsel, Anna Naydonov offers Defendant Exhibit 88. Objection. Objection sustained.
8:57:39 a.m.	Defendant's counsel, Anna Naydonov refers witness to DTX 1500.
9:19:05 a.m.	Defendant's counsel, Anna Naydonov shows witness to DTX 3771.
9:21:10 a.m.	Defendant's counsel, Anna Naydonov refers witness to DTX 99. No objection. DTX 99 is admitted.
9:20:00 a.m.	Defendant's counsel, Anna Naydonov offers Defendant Exhibits DTX 1493, DTX 1500, DTX 1495, DTX 1492, DTX 1491, DTX 3771. No objection. DTX 1493, DTX 1500, DTX 1495, DTX 1492, DTX 1491 and DTX 3771 are admitted.
9:20:17 a.m.	Pass the witness.
9:20:18 a.m.	Plaintiff's counsel, Andrea Bates requests moment to confer with counsel.
9:30:38 a.m.	Plaintiff's counsel, Andrea Bates offers Plaintiff's Exhibit 66.
9:44:19 a.m.	Plaintiff's counsel, Andrea Bates refers witness, Jason Davidson to Defendant Exhibit 1507.
9:45:06 a.m.	Plaintiff's counsel, Andrea Bates refers witness, Jason Davidson to Plaintiff Exhibit 12.
9:47:08 a.m.	Plaintiff's counsel, Andrea Bates offers Plaintiff Exhibit 12. Objection. Objection overruled. Plaintiff Exhibit 12 admitted.
9:49:35 a.m.	Bench conference (Court).
9:50:29 a.m.	Defendant requests limine instruction regarding Exhibit 12.
9:51:14 a.m.	Plaintiff's counsel, Andrea Bates continues re-direct examination of witness, Jason Davidson.
9:57:37 a.m.	Pass the witness.
9:57:52 a.m.	Defendant's counsel, Anna Naydonov begins re-cross examination of witness, Jason Davidson.
10:01:11 a.m.	Pass the witness. Court polls the jury for questions of the witness, Jason Davidson. Bench conference regarding questions for the witness.

10:03:39 a.m.	Court asks questions of the jury to witness, Jason Davidson.
10:04:19 a.m.	Plaintiff's counsel, Andrea Bates refers witness to Plaintiff Exhibit 746 in follow up.
10:05:41 a.m.	Pass the witness. Witness excused.
10:06:12 a.m.	Jury excused for 15 minute break.
10:06:48 a.m.	Court recess for 15 minutes.
10:22 a.m.	Court re-convened. Jury seated.
10:23:07 a.m.	Plaintiff's counsel, Stephen Howen calls Elizabeth Rasnick. Witness placed under oath.
10:23:41 a.m.	Plaintiff's counsel, Stephen Howen requests the record to be sealed. <b>[RECORD SEALED]</b>
10:24:45 a.m.	Plaintiff's counsel, Stephen Howen begins direct examination of witness, Elizabeth Rasnick.
10:42:22 a.m.	Plaintiff's counsel, Stephen Howen moves to admit Plaintiff Exhibits 294a, 295a. No objection. Plaintiff Exhibits 294a, 295a are admitted.
10:59:44 a.m.	Pass the witness.
10:49:49 a.m.	Defendant's counsel, Vic Henry begins cross examination of witness, Elizabeth Rasnick.
11:20:51 a.m.	Pass the witness.
11:21:08 a.m.	Plaintiff's counsel, Stephen Howen begins re-direct examination of witness, Elizabeth Rasnick.
11:22:54 a.m.	Pass the witness. Court polls the jury for questions of the witness. Bench conference.
11:24:32 a.m.	Court asks questions of the jury to the witness.
11:25:22 a.m.	Plaintiff's counsel, Stephen Howen follow up questions. <b>[RECORD UNSEALED]</b>
11:25:57 a.m.	Pass the witness. Witness excused.
11:27:05 a.m.	Plaintiff's counsel, Kurt Schuettinger calls Basil Imburgia. Witness placed under oath. Plaintiff's counsel, Kurt Schuettinger begins direct examination of Basil Imburgia.
11:27:49 a.m.	Defendant requests the corporate representative of Plaintiff be removed due to trade secret information of Defendant to come in through testimony of witness.
11:28:10 a.m.	Plaintiff's counsel, Kurt Schuettinger continues direct examination of witness, Basil Imburgia.

11:33:42 a.m.	Plaintiff's counsel, Kurt Schuettinger offers witness, Basil Imburgia as a damages expert. No objection. The Court accepts witness Basil Imburgia as a damages expert.
12:01 p.m.	Pass the witness. Jury excused for lunch.
1:09 p.m.	Court re-convened. Jury seated.
1:10:10 p.m.	<b>[RECORD STILL SEALED]</b> Defendant's counsel, Anna Naydonov begins cross examination of witness, Basil Imburgia
1:29:02 p.m.	Pass the witness.
1:29:11 p.m.	Plaintiff's counsel, Kurt Schuettinger begins re-direct examination of Basil Imburgia.
1:40:09 p.m.	Pass the witness.
1:40:10 p.m.	Defendant's counsel, Anna Naydonov begins re-cross examination of witness, Basil Imburgia.
1:42:26 p.m.	Pass the witness.
1:42:26 p.m.	Plaintiff's counsel, Kurt Schuettinger begins further re-direct examination of Basil Imburgia.
1:43:22 p.m.	Pass the witness.
1:43:22 p.m.	Defendant's counsel, Anna Naydonov begins further re-cross examination of witness, Basil Imburgia.
1:43:53 p.m.	Pass the witness. Court polls the jury for questions of the witness. Bench conference.
1:45:47 p.m.	Court asks questions of the witness from the jury.
1:46:49 p.m.	Witness excused.
1:46:57 p.m.	Plaintiff's counsel, Andrea Roberwts calls by video deposition, Dr. Eugene Ericksen.
1:50:33 p.m.	Court instructs the jury regarding videotape depositions.
1:51:00 p.m.	<b>[RECORD UNSEALED]</b>
1:51:23 p.m.	Plaintiff plays video deposition excerpt of Dr. Eugene Ericksen.
2:01:10 p.m.	Plaintiff video concludes; technical video issues.
2:14:27 p.m.	Defendant plays video deposition excerpt of Dr. Eugene Erickson.
2:21:33 p.m.	Defendant video concludes.
2:22:41 p.m.	Plaintiff plays video deposition excerpt of Dr. Eugene Erickson.

2:36:20 p.m.	Court hears from plaintiff regarding powerpoint slides needed for Erickson's deposition so Plaintiff is going to pause the video of Erickson and re-convene it when the powerpoint is available to provide to the jury.
2:39:52 p.m.	Plaintiff calls by videodeposition, Joseph Lafebvre. Plaintiff begins video. Court is provided with times for video split (for time purposes) of Armadillo 13:14; Gibson 12:38.
3:08:44 p.m.	Video concludes.
3:09:01 p.m.	Jury excused for 15 minute break.
3:09:35 p.m.	Court hears from Plaintiff's counsel regarding Berryman video. Court hears response from Emileigh Hubbard.
3:10:50 p.m.	Court recess for 15 minute break.
3:31:56 p.m.	Court re-convened. Jury seated.
3:32:08 p.m.	Court hears from Plaintiff's counsel, Kurt Schuettinger regarding re-starting the video of Dr. Eugene Erickson.
3:33:48 p.m.	Plaintiff begins video deposition of Dr. Eugene Erickson.
3:55:53 p.m.	Video concludes.
3:56:25 p.m.	Defendant begins video deposition of Dr. Eugene Erickson.
4:21:22 p.m.	Defendant video concludes.
4:21:33 p.m.	Plaintiff begins video deposition of Dr. Eugene Erickson.
4:27:58 p.m.	Video concludes. Plaintiff's counsel, Stephen Howen calls by video deposition, Dave Berryman but requests bench conference for exhibit issue prior to beginning the video.
4:30:55 p.m.	Bench conference concludes.
4:31:21 p.m.	Plaintiff begins video deposition of Dave Berryman.
5:00:29 p.m.	Video stopped for the day.
5:00:37 p.m.	Jury excused.
5:01:40 p.m.	Plaintiff's counsel, Stephen Howen notifies the Court that the video played today was video for both sides. Counsel will provide broken out times to CRD as to how the split should happen.

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	<b>Plaintiff total used:</b> 8:33:23 <b>Defendant total used:</b> 5:57:50 <b>Total court time today:</b> 7:01
	<b>Plaintiff Exhibits Entered:</b> 12, 66, 294A, 295A, <b>Defendant Exhibits Entered:</b> 99, 1491, 1492, 1495, 1500, 1507, 3771,

DAVID O'TOOLE, CLERK

BY: Keary Conrad  
Courtroom Deputy Clerk